



CITY OF NEWPORT BEACH HARBOR COMMISSION AGENDA

**Council Chambers – 3300 Newport Blvd.
Wednesday, June 13, 2012 – 6:00 PM**

Harbor Commission Members:

**Ralph Rodheim, Chair
Brad Avery
Marshall Duffield
Duncan McIntosh
Karen Rhyne
Doug West
David Girling**

Staff Members:

**Chris Miller, Harbor Resources Manager
Shannon Levin, Harbor Resources Supervisor**

Council Liaison:

Mayor Nancy Gardner

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- 1) CALL MEETING TO ORDER**
 - 2) ROLL CALL**
 - 3) PLEDGE OF ALLEGIANCE**
 - 4) SPECIAL CEREMONY RECOGNIZING COMMISSIONER DUFFIELD'S LAST HARBOR COMMISSION MEETING. PUBLIC COMMENTS WELCOME.**
 - 5) PUBLIC COMMENTS**

Public comments are invited on agenda and non-agenda items generally considered to be within the subject matter jurisdiction of the Commission. Speakers must limit comments to three (3) minutes. Before speaking, we invite, but do not require, you to state your name for the record. The Commission has the discretion to extend or shorten the speakers' time limit on agenda or non-agenda items, provided the time limit adjustment is applied equally to all speakers. As a courtesy, please turn cell phones off or set them in the silent mode.

- 6) APPROVAL OF MINUTES from May 9, 2012**

This Commission is subject to the Ralph M. Brown Act. Among other things, the Brown Act requires that the Commission's agenda be posted at least seventy-two (72) hours in advance of each regular meeting and that the public be allowed to comment on agenda items before the Commission and items not on the agenda but are within the subject matter jurisdiction of the Commission. The Commission may limit public comments to a reasonable amount of time, generally three (3) minutes per person.

It is the intention of the City of Newport Beach to comply with the Americans with Disabilities Act ("ADA") in all respects. If, as an attendee or a participant at this meeting, you will need special assistance beyond what is normally provided, the City of Newport Beach will attempt to accommodate you in every reasonable manner. If requested, this agenda will be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. Please contact the City Clerk's Office at least forty-eight (48) hours prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible at (949) 644-3005 or cityclerk@newportbeachca.gov.

7) **CURRENT BUSINESS**

A. ***Appointment of Commissioners to an Anchorage Subcommittee***

The Harbor Commission will nominate no more than three (3) Commissioners to serve on an Anchorage Subcommittee which will evaluate the effectiveness of the temporary anchorage location at the west end of Lido Isle during the Lower Bay Dredging Project, then report back to the Commission with recommendations for future action, if any.

Recommendation:

1. Nominate no more than three (3) Commissioners to serve on the Anchorage Subcommittee.

B. ***Harbor Commission Participation on the Tidelands Management Committee's Citizens Advisory Panel***

The Harbor Commission will nominate no more than one (1) Commissioner to be considered by the Tidelands Management Committee to serve on the Citizens Advisory Panel.

Recommendation:

1. Nominate no more than one (1) Commissioner to be considered by the Tidelands Management Committee to serve on the Citizens Advisory Panel.

C. ***Virgin Oceanic Mooring in Newport Harbor – Potential City Partnership***

Virgin Oceanic is proposing a partnership with the City in support of the Five Dives Project. In exchange for publicity for the City via marketing, website visibility and the adoption of the vessel Cheyenne as Newport's flagship vessel, Virgin Oceanic would receive free moorage for the Cheyenne while in Newport Harbor.

Recommendation:

1. Recommend to the City Council that a partnership be formed with Virgin Oceanic and that a mooring be provided free of charge for the vessel Cheyenne; or
2. Recommend to the City Council that a partnership be formed with Virgin Oceanic and that a mooring be provided for a prorated cost based on the months used; or
3. Recommend to the City Council another partnership scenario as determined by the Harbor Commission; or
4. Recommend that the City not participate in a partnership with Virgin Oceanic.

8) **SUBCOMMITTEE REPORTS**

9) **QUESTIONS AND ANSWERS WITH COUNCIL LIAISON ON HARBOR RELATED ISSUES**

10) **HARBOR RESOURCES UPDATE – Receive and File**

11) **PUBLIC COMMENTS ON SUBCOMMITTEE REPORTS OR HARBOR RESOURCES UPDATE**

12) **COMMISSION ANNOUNCEMENTS OR MATTERS WHICH MEMBERS WOULD LIKE PLACED ON A FUTURE AGENDA FOR DISCUSSION, ACTION OR REPORT (NON-DISCUSSION ITEM)**

- Code Enforcement Presentation
- Channel Closures in Newport Harbor
- OCC School of Sailing and Seamanship – An Overview

- Eelgrass Strategies
- Department of Boating and Waterways Update
- Marine Recycling Center

13) DATE AND TIME FOR NEXT MEETING:

Wednesday, July 11, 2012

14) ADJOURNMENT



CITY OF

NEWPORT BEACH

Harbor Commission Staff Report

Agenda Item No. 1
June 13, 2012

TO: HARBOR COMMISSION

FROM: Public Works Department
Chris Miller, Harbor Resources Manager
949-644-3043, cmiller@newportbeachca.gov

TITLE: Appointment of Commissioners to an Anchorage Subcommittee

ABSTRACT:

The Harbor Commission will nominate no more than three (3) Commissioners to serve on an Anchorage Subcommittee which will evaluate the effectiveness of the temporary anchorage location at the west end of Lido Isle during the Lower Bay Dredging Project, then report back to the Commission with recommendations for future action, if any.

RECOMMENDATION:

1. Nominate no more than three (3) Commissioners to serve on the Anchorage Subcommittee.

FUNDING REQUIREMENTS:

There is no fiscal impact related to this item.

ENVIRONMENTAL REVIEW:

Staff recommends the Harbor Commission find this action is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

NOTICING:

The agenda item has been noticed according to the Brown Act (72 hours in advance of the meeting at which the Harbor Commission considers the item).

Submitted by:

A handwritten signature in cursive script that reads "Chris Miller".

Chris Miller



CITY OF

NEWPORT BEACH

Harbor Commission Staff Report

Agenda Item No. 2
June 13, 2012

TO: HARBOR COMMISSION

FROM: Public Works Department
Chris Miller, Harbor Resources Manager
949-644-3043, cmiller@newportbeachca.gov

TITLE: Harbor Commission Participation on the Tidelands Management Committee's Citizens Advisory Panel

ABSTRACT:

The Harbor Commission will nominate no more than one (1) Commissioner to be considered by the City Council's Tidelands Management Committee to serve on the Citizens Advisory Panel.

RECOMMENDATION:

1. Nominate no more than one (1) Commissioner to be considered by the Tidelands Management Committee to serve on the Citizens Advisory Panel.

FUNDING REQUIREMENTS:

There is no fiscal impact related to this item.

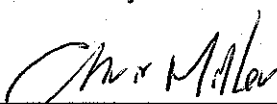
ENVIRONMENTAL REVIEW:

Staff recommends the Harbor Commission find this action is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

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Submitted by:


Chris Miller



== CITY OF ==

NEWPORT BEACH

Harbor Commission Staff Report

Agenda Item No. 3
June 13, 2012

TO: HARBOR COMMISSION

FROM: Public Works Department
Chris Miller, Harbor Resources Manager
949-644-3043, cmiller@newportbeachca.gov

TITLE: Virgin Oceanic Mooring in Newport Harbor – Potential City Partnership

ABSTRACT:

Virgin Oceanic is proposing a partnership with the City in support of the Five Dives Project. In exchange for publicity for the City via marketing, website visibility and the adoption of the vessel Cheyenne as Newport's flagship vessel, Virgin Oceanic would receive free moorage for the Cheyenne while in the Newport Harbor.

RECOMMENDATION:

1. Recommend to the City Council that a partnership be formed with Virgin Oceanic and that a mooring be provided free of charge for the vessel Cheyenne; or
2. Recommend to the City Council that a partnership be formed with Virgin Oceanic and that a mooring be provided for a prorated cost based on the months used; or
3. Recommend to the City Council another partnership scenario as determined by the Harbor Commission; or
4. Recommend that the City not participate in a partnership with Virgin Oceanic.

FUNDING REQUIREMENTS:

It is anticipated the City would not pay for any of the costs associated with this partnership. However, the mooring revenue potentially lost if the total permit cost is waived would be \$3,838.75 (\$30.71 per foot x 125').

DISCUSSION:

Virgin Oceanic owns the vessel Cheyenne which is the mother ship to the on-board submarine which will dive to the deepest parts of the world's oceans. Cheyenne is 125' long and 60' wide and has been moored in Newport Harbor for nearly 1.5 years.

In February 2011, the Harbor Commission approved temporary, short term moorage for the Cheyenne at no cost. In July 2011, the Harbor Commission extended the approval under the same terms. Then, in April 2012, the Harbor Commission extended the approval, but recommended Virgin Oceanic pay for the mooring space at the current mooring permit rate.

The Harbor Commission also assigned Commissioner Girling to investigate the possibility of the a partnership with Virgin Oceanic, and to report back at the June Commission meeting with findings.

Please refer to the attached proposal by Virgin Oceanic.

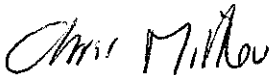
ENVIRONMENTAL REVIEW:

Staff recommends the Harbor Commission find this action is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

NOTICING:

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Submitted by:



Chris Miller

Attachment: Virgin Oceanic Proposal for Partnership



May 7, 2012

Mr. David Girling
Newport Beach Harbor Commission

Re: Virgin Oceanic Mooring

Dear Dave:

Thank for taking the time to meet and become familiar with our program and operations. I know your report back to the commission is coming quickly; I wanted to give you an outline of the factors we see around the mooring and entering into a longer term arrangement with the City.

As a born and raised son of Newport Beach, I am enthusiastic about the prospect of Newport adopting Cheyenne, the sub mothership, as the honorary Flagship of Newport Beach. The current status of the mission is we are beginning manned sub testing this week after successful ballast trim and launch and recovery practice last week.

We have worked closely with VisitNewport and ExploreOcean and look forward to continuing our support for their respective missions. As an airline and tour organizer, Virgin brings many tourists to Newport. In the exploring world, we are happy to help elevate the Nautical Museum's new direction of ExploreOcean and can help make their efforts more visible.

In-kind sponsors are recognized on our website and typically have made a six figure commitment to the program; this is the type of recognition we would like to share with the City of Newport Beach. These sponsors are like Helly-Hansen, our clothing partner. We would provide web links to the two websites. In turn, we are requesting the availability of a mooring over a five-year period. With regard to cost for the mooring, we suggest that the current arrangement be maintained; we will pay for the actual mooring and the City allows our presence without cost. We can deliver excellent value to the City with a very modest foregone revenue commitment.

Our expectation is that we will occupy the mooring for only a small fraction of that time period; our goal is to go to sea in the upcoming months and be gone for an extended period of time, six to sixteen months at a time. It will have value to us throughout to know we can return to Newport when possible.

The location of the mooring is flexible. The best location so far has been off 10th Street for being out of traffic patterns and drawing a low profile. As a practical matter the location works well due to minimal tidal currents; the Ferry/Newport Landing location is more challenging in that regard. The solution to being a tourist attraction and maintaining our practical needs may be to make periodic stays near the Ferry, while being permanently based at 10th Street.

There are benefits beyond the website visibility for the City as well. A few minutes on the cat during any good weather highlights the natural attraction the program provides. We have been active in the educational role, giving talks to 400 people for the Nautical Museum, science classes at Newport Harbor High, and several local yachtsman's and Rotary type lunch groups. We participated in last year's boat show by giving onboard tours and spent an evening at the Boy Scout Base for touring. We expect to continue this kind of activity.

I hope this is a thorough enough review of where we are today and look forward to working with the City to complete a arrangement that works for both sides.

Best Regards,

Chris Welsh
Co-Founder
Virgin Oceanic



Inspiring a new wave of ocean discovery

Building on our educational mission founded 25 years ago, ExplorOcean Newport Harbor Nautical Museum is dedicated to generating a new wave of ocean discovery; it works everyday to offer a rich, multilayered visitor experience with an exciting mix of interactive educational programs, exhibits, and fun and entertaining experiences both on land and on-the-water. Its home is on one of the most scenic pleasure harbors in the world and is a gateway to ocean adventure.

The next 25 years and beyond; soon, the museum's role will take on a whole new meaning as the organization is poised to become a cultural icon and resource for our community. Our future center and its programming will address:

- The ocean is a vast, mysterious, and largely uncharted frontier awaiting new explorers.
- Ocean exploration is one of humankind's greatest and most important adventures.
- Everyone can play a role in ocean exploration, and your participation can begin right here in Newport Beach.

ExplorOcean/Newport Harbor Nautical Museum will be an exciting cultural destination designed to bring out the ocean explorer in everyone. As part of our educational mandate, we will address the growing popularity of exploring the deepest spots on our planet. In the new museum, we will feature Deep Dive simulators inspired by Virgin Oceanic's Five Dives Expedition winged submarine and its highly anticipated expeditions to the world's deepest ocean trenches. Here visitors will take an undersea "flight" to the otherworldly realm of the deep ocean; and they will be rewarded by amazing discoveries.

The Five Dives Expedition

ExplorOcean Newport Harbor Nautical Museum is the Southern California Educational Partner of the Five Dives Expedition. The Goal of the Five Dives Expedition is to dive a one-man submarine to the deepest spot in each of the five ocean trenches of the world. The museum will present unique educational opportunities for the community during Five Dive's short-term off-shore testing period as well as long-term to cover its entire revolutionary mission. We are also preparing to produce a new educational video(s) as part of our online ExplorOcean educational video series that will cover the expedition beginning with the sub's testing off the coast of Newport Beach. The partnership with Five Dives includes:

- **An Unmatched Educational Initiative** for our Community.
- **Access to ground breaking discoveries** of the least explored areas of Earth: the deep ocean trenches.
- **Local visibility** of a symbol of what may be historic missions to the blue planet's deepest spots on the earth.
- **Inspiration for today's youth** with Chris Welsh, The Five Dives Expedition Co-Founder/Pilot, a local product of Newport Beach; Chris' story particularly resonates with local children and residents.

A Partnership for the Future

ExplorOcean/NHNM's objective is to provide our community with access to The Five Dives Expedition and offer **GSTEM (Geography, Science, Technology, Engineering and Math)** educational programming that will impact the youth of our area. The Newport Mesa Unified School District is comprised of 22 elementary schools, two intermediate schools and four high schools, one alternative education center and one adult educational center, serving a total of nearly 22,500 students. Collaborations with our school district and community organizations can result in valuable and long-lasting rewards.

GSTEM topics relevant to the Five Dives Expedition include: natural history, deep sea biology, marine mammals, pelagic fish, sand transport, storm runoff, sea cliff erosion, water quality, submarine geology, near-shore bathymetry, surf and currents, internal waves, ocean acidification, and pollution.

In closing, ExplorOcean/Newport Harbor Nautical Museum is committed to expanding a child's capacity of wonder. When you inspire their curiosity, when you ensure the world is a limitless marvel you instill a value of discovery and three-dimensional thinking that will be a part of them forever. A mission like The Five Dives Expedition exemplifies this commitment.

NEWPORT BEACH HARBOR COMMISSION MINUTES
Draft Until Approved
City Council Chambers
May 9, 2012

CALL TO ORDER

6:00 P.M.

PLEDGE OF ALLEGIANCE

ROLL CALL

All commissioners present

Council Liaison:

Mayor Pro Tem Nancy Gardner

Staff:

Manager Chris Miller

Supervisor Shannon Levin

PUBLIC COMMENTS ON NON-AGENDA ITEMS

Jim Mosher queried the access of Grand Canal and the distribution of the Harbor Guide to the Central Library. Dan Purcell noted that the Grand Canal is navigable to human powered craft. Len Bose asked the commission to support a grant funding for the Newport High Point Series.

MINUTES

Commissioner McIntosh made the motion to approve the Minutes, and Commissioner West seconded the motion. Approved.

ACTION & APPEAL ITEMS- this item was taken out of order.

SUB-COMMITTEE REPORTS

- Harbor Visioning - These meetings need more public input to discuss and discover harbor issues. A report will be given to the Tidelands Management Committee (TMC).
- Dredging - There should be a long term vision for inner harbor dredging with a dedicated budget. A presentation will be made to the TMC.
- Virgin Oceanic Five Dives Long Term Vision - The owners of Cheyenne are paying the market rate for an annual permit for the mooring. There is a long term benefit to keeping Cheyenne in the harbor. There is an upcoming meeting to discuss the future relationship with Cheyenne, and the issue may come before the commission in June.

HARBOR RESOURCES UPDATE

- Manager Miller gave a PowerPoint presentation on harbor updates. *The update is posted at <http://www.newportbeachca.gov/index.aspx?page=1777>*

PUBLIC COMMENTS

- Paul Gerst would like to provide dredging service in the harbor.
- Carter Ford thanked Mooring Master Plan Subcommittee for the hard work on the mooring boundary realignment.

RECOMMENDED TOPICS FOR FUTURE AGENDAS:

- Department of Boating and Waterways update
- Channel Closures
- Eelgrass Strategies
- OCC Sea Base

ACTION & APPEAL ITEMS**ITEM #1**

Subject: *Harbor Commission Workshop: Guidance and Overview of Basic Laws and Procedures*

The Harbor Commission will be given a training session on the basic laws, procedures and protocols that generally apply to all City advisory bodies.

Discussion: Staff received training.

Action: Receive and file.

DATE OF NEXT MEETING: Wednesday June 13, 2012

ADJOURNMENT: Meeting adjourned around 8:15pm.

The agenda for the Regular Meeting was posted on May 4, 2012 at 1:50 PM on the City Hall Bulletin Board located outside of the City of Newport Beach Administration Building.

Harbor Commission Chair